

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: DEALER MANAGEMENT SYS-
TEMS ANTITRUST LITIGATION

This Document Relates To:

ALL CASES

MDL No. 2817

Case No. 18-cv-00864

Hon. Robert M. Dow, Jr.

Magistrate Judge Jeffrey T. Gilbert

**STIPULATION AND [PROPOSED] ORDER REGARDING
COX AUTOMOTIVE'S MOTION TO AMEND
THE AGREED CONFIDENTIALITY ORDER**

WHEREAS, Cox Automotive, Inc., Autotrader.com, Inc., Dealer Dot Com, Inc., Dealertrack, Inc., HomeNet, Inc., Kelley Bluebook, Co., Inc., vAuto, Inc., VinSolutions, Inc., and Xtime, Inc. (collectively referred to as "Cox Automotive"), and CDK Global, LLC ("CDK"), by and through their undersigned counsel, jointly submit this Stipulation and proposed Order regarding Cox Automotive's Motion to Amend the Agreed Confidentiality Order (Dkt. 1147).

WHEREAS, on August 31, 2020, Cox Automotive filed its Motion to Amend the Agreed Confidentiality Order (Dkt. 1147).

WHEREAS, on September 8, 2020, CDK filed its Response to Cox Automotive's Motion to Amend the Agreed Confidentiality Order (Dkt. 1163).

WHEREAS, on September 15, 2020, Cox Automotive filed its Reply in Support of its Motion to Amend the Agreed Confidentiality Order (Dkt. 1174).

WHEREAS, without waiving any party's rights or positions taken regarding the Motion to Amend the Agreed Confidentiality Order but with the goal of streamlining the motion process and conserving the Court's judicial resources, the parties have voluntarily agreed to deem certain documents subject to Cox Automotive's Motion as produced in the arbitration, subject to the same

confidentiality designations made for such documents pursuant to the Agreed Confidentiality Order (Dkt. 650) in this action (“the MDL”):

1. Bates-numbered documents produced by CDK that have been, or will be during the course of this MDL: (i) filed publicly or under seal in the MDL (but not including any such documents submitted to the Court *in camera*); (ii) identified as reliance materials in an expert report disclosed by an expert retained by a party in the MDL; or (iii) marked as exhibits during depositions noticed and taken in the MDL.

2. A non-Bates-numbered letter dated January 9, 2020, cited in the January 30, 2020 supplemental report of Adam Shostack, which shall be designated Highly Confidential pursuant to the Agreed Confidentiality & Protective Order entered in AAA Case No. 01-19-0000-4548.

3. Deposition transcripts (including video files) from depositions of CDK individual and Rule 30(b)(6) witnesses taken or that will be taken in the MDL.

4. Certain invoice and switching data produced by CDK at Bates numbers CDK-3112783 through CDK-3112791, CDK-3116422, CDK-3116424, and CDK-3116418.

5. The following Bates-numbered documents reflecting commercial agreements between CDK and Cox Automotive: CDK-1888850; CDK-2719771; CDK-1460731; CDK-1357135; CDK-3106409; CDK-1515534; CDK-1830089; CDK-0136869; CDK-3106403; CDK-1409270; CDK-2750575; CDK-0904958; CDK-0041867; CDK-2415828; CDK-2750576; CDK-0465647; CDK-0041878; CDK-0041887; CDK-2446129; CDK-2768352; CDK-1322919; CDK-0041908; CDK-2416910; CDK-2768351; CDK-2062060; CDK-0041914; CDK-3105819; CDK-2766482; CDK-1751911; CDK-2839024; CDK-2768011; CDK-0747250; CDK-2135870; CDK-0447320; CDK-2839026; CDK-2709819; CDK-1388372; CDK-0427702; CDK-0041932; and CDK-2215169.

WHEREAS, this agreement resolves Cox Automotive's request to modify the protective order as to CDK.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, that:

1. Cox Automotive withdraws its Motion to Amend the Agreed Confidentiality Order (Dkt. 1147) as to CDK only;
2. Cox Automotive's Motion to Amend the Agreed Confidentiality Order (Dkt. 1147) remains pending as to all other parties to the Agreed Confidentiality Order.

STIPULATED AND AGREED:

/s/ Matthew D. Provance

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SO ORDERED:

Hon. Jeffrey T. Gilbert

CERTIFICATE OF SERVICE

I, Derek T. Ho, an attorney, hereby certify that on March 1, 2021, I caused a true and correct copy of the foregoing **STIPULATION AND [PROPOSED] ORDER REGARDING COX AUTOMOTIVE'S MOTION TO AMEND THE AGREED CONFIDENTIALITY ORDER** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Derek T. Ho

Derek T. Ho

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